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Via Email

December 4, 2024

Canadian Human Rights Tribunal
240 Sparks Street, 6th Floor West
Ottawa, Ontario K1A 1J4

Dear Members Marchildon and Lustig,

**Re: First Nations Child and Family Caring Society of Canada et al. v.
the Attorney General of Canada et al.
Tribunal File: T1340/7008**

We write on behalf of Indigenous Services Canada (ISC), regarding the Panel's Summary Ruling dated November 21, 2024. Thank you for the invitation to raise any significant issues with the deadlines set out in the Summary Ruling.

Canada appreciates the Panel's immediate concern of processing urgent Jordan's Principle requests to ensure that no child suffers irremediable harm resulting from delays in processing requests for products, services or supports. To that end, ISC is making every effort to prioritize requests from First Nations children who may be at such risk.

ISC has determined that there are approximately 25,000 self-identified urgent cases in the backlog. ISC is reviewing these on a priority basis, taking into account the Tribunal's recent clarifications regarding urgency, the aspects of the Back to Basics policy that should be eliminated and referrals. In support of this review, each region has developed internal triaging processes to identify and address cases where a failure to act immediately could result in irremediable harm to the child.

Canada remains committed to fully implementing Jordan's Principle. The Panel's clarifications in the Summary Ruling are operationally beneficial in this regard. However, ISC's Jordan's Principle team has advised that meeting the Panel's expedited backlog-related timelines is not feasible, accounting for the significant size and complexity of the existing backlog. The backlog currently stands at approximately 131,000 requests, reflecting a continually rapid increase in demand for products, services and supports through the Jordan's Principle initiative.

Canada 

ISC advises that meeting the Panel’s backlog-related timelines will have unintended impacts on the delivery of other critical services to First Nations children. For example, ISC would be required to redeploy and retrain staff to focus on the Jordan’s Principle backlog, who are responsible for delivering other essential services to Indigenous communities across Canada. Focusing exclusively on meeting backlog-related timelines will disrupt other essential ISC operations and create further service delivery challenges.

In accordance with the Summary Ruling, ISC will report to the Panel on December 10, 2024, providing an update on its progress respecting self-identified urgent requests and further details on its plan to address the backlog of Jordan’s Principle requests, including which backlog-related orders can be implemented and feasible timelines for doing so.

In the meantime, and concurrent with this letter, Canada is writing to Chairperson Khurana, seeking Tribunal-assisted mediation towards addressing the Panel’s co-development orders. Given that backlog issues are already part of the co-development orders, Canada would be pleased to discuss reasonable adjustments to the Panel’s backlog-related timelines as part of any Tribunal-assisted mediation.

We look forward to working towards resolution of these issues and thank the Tribunal for its ongoing attention to this matter.

Sincerely,



Dayna Anderson
General Counsel

/jd

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